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Sixty-fourth session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 1701st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 19 October 1998, at 3 p.m.

Chairperson: Ms. CHANET

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* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.1701/Add.1.

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The public part of the meeting was called to order at 3.15 p.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

1. The CHAIRPERSON said that duties conferred upon her by her Government had prevented her from attending the Tenth Meeting of persons chairing the human rights treaty bodies. Mr. El Shafei, Vice-Chairperson, had represented the Committee on her behalf, and she invited him to report on the Meeting.

2. Mr. EL SHAFEI said that the Tenth Meeting had been held from 14 to 18 September 1998 in Geneva. In keeping with the established rotation, the Chairperson of the Committee against Torture had been elected Chairperson of the Meeting. Also present had been the Chairpersons of the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the Vice-Chairperson of the Committee on the Elimination of Discrimination against Women and himself. The Deputy High Commissioner for Human Rights, Mr. Enrique ter Horst, had delivered the opening statement and the High Commissioner, Mrs. Robinson, had held a private meeting with members.

3. The Meeting had been very well attended by intergovernmental and non-governmental organizations, and statements had been made on behalf of the Commission on Human Rights, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Fifth Meeting of special rapporteurs, representatives, experts and chairpersons of working groups. It had been decided that the Eleventh Meeting of persons chairing the human rights treaty bodies would be scheduled to coincide with the Sixth Meeting of special rapporteurs, from 31 May to 4 June 1999.

4. On 17 September 1998, an informal consultation had been held with representatives of 55 States parties to discuss how to improve the work of human rights treaty bodies and to promote the implementation of their concluding observations. The issues discussed included the problem of human resources, which had not been increased to meet the greater workload borne by treaty bodies; the serious backlog of communications in those Committees having communications procedures; two recent denunciations of the Optional Protocol to the International Covenant on Civil and Political Rights; the backlog of State party reports received and not yet examined; the problem of overdue reports; and the problem of giving effect to the recommendations of expert committees.

5. Government representatives had agreed with the six committee chairpersons that the treaty bodies' work constituted core functions of the United Nations, in particular of the Office of the High Commissioner for Human Rights, and that those activities must be adequately serviced from the United Nations regular budget. Until such resources were made available from the regular budget, an effort should be made to increase human resources through independent fund raising, plans of action and the programme of junior professional officers. It had been decided that the meeting with government representatives was a very useful exercise that should be made part of the agenda of every Meeting of Chairpersons and that better preparations should be made to enable Governments to come and make concrete proposals.

6. The chairpersons had discussed the text of the draft plan of action for the Geneva-based treaty bodies, had agreed on the principle and had resolved to refine the text and to submit it to their respective committees. The chairpersons had convened a private meeting with the internal Task Force of the Office of the High Commissioner for Human Rights established with a mandate to facilitate a parallel review of United Nations mechanisms by the Commission on Human Rights and to provide the High Commissioner's Office with input on measures to improve their effectiveness. The chairpersons had also had the opportunity to meet with Professor Anne Bayefsky of York University in Canada, who would conduct an academic study and review of the human rights treaty system for the Office of the High Commissioner for Human Rights.

7. Paragraph 8 of the report on the Meeting (A/53/432) described measures to be taken by the Department of Public Information to ensure better coverage of meetings of treaty bodies.

8. Mr. KLEIN, noting that a heavier workload seemed to be a common denominator for all of the Committees, asked whether any ways of remedying the problem had been examined. One approach adopted by the European Court of Human Rights and other bodies was to form chambers or panels that operated simultaneously, instead of working in plenary. Perhaps the time had come for the human rights treaty bodies to adopt similar methods. Had that matter also been discussed and, if so, what had been the general reaction of the participants?

9. Mr. EL SHAFEI said the idea had indeed been discussed. However, because the Committees had different working procedures, no consensus had been reached in favour of establishing various panels or chambers, as opposed to meeting in plenary.

10. The CHAIRPERSON said it was not the first time the idea had been considered, but the Committees themselves had never reached agreement on such a procedure, which would in any case be ill-suited to the smaller Committees which had only 10 members. The material before the Committees differed and some of it did not lend itself to consideration in chambers. Not all the Committees received and considered communications, for example, as did the Human Rights Committee. The general feeling was that the way the work was organized was a matter for the Committees themselves to decide.

11. Mr. BUERGENTHAL, referring to a comment made at the previous meeting by the Deputy High Commissioner for Human Rights and to paragraphs 48 and 49 of the report of the Tenth Meeting (A/53/432), asked for clarification on the global plan of action to strengthen the implementation of a number of human rights treaties.

12. Mr. EL SHAFEI said that the global plan of action would extend to all the human rights bodies the measures that were included in the plans of action already set up for the Convention on the Rights of the Child and for the International Covenant on Economic, Social and Cultural Rights. Under those plans, voluntary contributions were to be mobilized when regular budget allocations were not enough to meet financial requirements for the preparation of meetings, secretariat services, etc.

13. The CHAIRPERSON pointed out that the plans of action already in place for two of the Committees covered very specific actions. The plan for the Committee on Economic, Social and Cultural Rights, for example, had involved country visits. It was vital for the Human Rights Committee to be informed of what actions were envisaged for it under the global plan of action, and it was therefore essential for the Committee to have access to that text.

14. Mr. LALLAH said he agreed that the Human Rights Committee should have the right to participate in the preparation of the plan of action that would affect its work. The report of the Tenth Meeting (A/53/432) should not be submitted to the General Assembly in its present form, for it might give the impression that, by leaving it to the Secretariat to prepare a plan of action for it, the Committee was abdicating its responsibilities.

15. Mr. EL SHAFEI explained that the global plan of action had not yet been finalized: it was an informal paper prepared by the Secretariat that was to be amended before submission to the Committees concerned.

16. Mr. GAHAM (Office of the United Nations High Commissioner for Human Rights) confirmed that the only plans of action currently operational were those for the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights. They had been brought up at the Tenth Meeting in the interests of informing the chairpersons of other Committees of their contents. The underlying idea was to develop a global plan of action covering all the functions of all the Committees and aimed at ensuring the availability of resources in order to improve their functioning. Such a global plan might mention the need for each Committee to have a secretary in order to assure its effective functioning and the provision of the necessary resources, for example.

17. The CHAIRPERSON said paragraph 49 of the report should be amended to make it clear that the discussion at the Tenth Meeting had centred on a global plan of action, not a draft proposal for a plan of action to strengthen the implementation of the Covenant on Civil and Political Rights, as the paragraph now implied.

18. Ms. MEDINA QUIROGA said she agreed and drew attention to the last sentence of the paragraph, which set out a request to the High Commissioner for Human Rights to ensure that the finalization and subsequent launching of a plan of action were given absolute priority. The wording implied that the Committee had been presented with a fait accompli and that the plan of action had been drafted without any input on its part.

19. Presumably, the purpose of any plan of action for better implementation of human rights instruments would be to generate contributions from private organizations in order to supplement United Nations funding. From the remarks just made by the representative of the Office of the United Nations High Commissioner for Human Rights, however, it now seemed that the plan of action focused on the provision of secretariat staff and resources for each Committee.

20. Ms. EVATT recalled that paragraph 24 of the report of the Ninth Meeting of persons chairing the human rights treaty bodies (A/53/125) had envisaged

the preparation of a plan of action that would be used to secure additional resources for the Office of the High Commissioner to enable it to provide servicing for treaty bodies. In her view, any measures designed to increase the resources available for the work of the Human Rights Committee were welcome. On the other hand, the primary source of funding for such work had to be the regular budget of the United Nations. Paragraph 24 of the report of the Ninth Meeting referred to consultations to be held by the High Commissioner, but did not make it clear that they should be carried out with the chairpersons of treaty bodies. All was not lost, however. The Committee still had time to make its opinions known about the contents of the global plan of action, especially if it devoted some time to discussing the matter at the present session.

21. Mr. EL SHAFEI said that, clearly, any plan of action would have to incorporate the input of the body concerned. It was up to the Committee to exchange views on what was needed to assist it in its work. A plan of action could then be submitted through the Chairperson to the High Commissioner, and discussed at the Eleventh Meeting of persons chairing the human rights treaty bodies.

22. The CHAIRPERSON said the plans of action were to be financed by States, not by voluntary contributions. The fact nonetheless remained that the Committee should have a look at the draft proposal for a plan of action mentioned in paragraph 49 of the report of the Tenth Meeting, and she asked the Secretariat to circulate that document.

23. Mr. YALDEN said he agreed with Ms. Evatt and the Chairperson on the need for the Committee to consider and comment on the draft proposal. He had no problem with the idea that the Office of the High Commissioner should draft a global plan of action covering all the treaty bodies, as long as the Human Rights Committee was consulted. On the other hand, any plan of action dealing exclusively with the work of the Human Rights Committee should be drafted by the Committee itself, with the assistance of its Secretariat staff.

24. Mr. de ZAYAS (Secretary of the Committee) said that no input had been received as yet from Mr. Burns and Mr. Alston, who had volunteered to make proposals amending the Secretariat's draft proposal for a plan of action, and in the absence of such input the Secretariat had thought it premature to circulate the draft. The consensus at the Meeting of Chairpersons had been that a plan of action would indeed be useful but that the Secretariat draft needed considerable revision. The chairpersons would make the revised draft available to the members of their respective Committees.

25. Mr. BUERGENTHAL suggested that the Chairperson or the Bureau should contact Mr. Burns, the Chairperson of the Tenth Meeting, informing him of the wish of the members of the Human Rights Committee to participate in the preparation of a general plan of action.

26. The CHAIRPERSON drew attention to paragraph 52 of the report of the Tenth Meeting (A/53/432), relating to the question of reservations to the human rights treaties.

27. Mr. EL SHAFEI, referring to section VIII, on gender perspectives in the work of the treaty bodies, said that during the presentation of the report mentioned in paragraph 53 reference had been made to the recommendations and suggestions formulated by the pre-sessional group and reflected in the Committee's report on its sixty-first session.

28. Lord COLVILLE said that the pre-sessional working group had looked at the advance unedited version of the report of the Secretary-General on the gender perspective issue (HRI/MC/1998/6), which advocated mainstreaming the issue rather than leaving it exclusively in the hands of CEDAW. Paragraphs 40 and 52 of the report related to questions of cooperation with CEDAW, while paragraph 61 dealt specifically with the Committee's work on the issue and paragraph 70 suggested some further points the Committee might consider in that connection. As he understood it, the report gave the Committee a certain amount of credit for the steps it had already taken and encouraged it to continue cooperating with CEDAW and to proceed with the drafting of a general comment on article 3. He did not believe that anything in the report required special attention on the part of the Committee.

29. The CHAIRPERSON said she agreed, but the tone of the report's recommendations to the Committee was regrettable.

30. Mr. LALLAH, referring to section III (A/53/432), on the composition of the treaty bodies, said he strongly felt that his own region was under-represented. Political changes which had taken place in the past few years meant that the distinction between countries of Eastern Europe and Western Europe could no longer be maintained. Given the failure to date on the part of the States parties themselves to take an initiative in the matter, would it not be possible for the Committee to suggest some way in which the procedure for the election of Committee members might be changed? At the very least, the Committee should give some thought to the matter. Its whole credibility was at stake. The argument was being advanced - wrongly, in his view - that the values applied in the Committee were predominantly western. The Committee surely owed it to its own work over the past 20 years to refute that impression.

31. Mr. ZAKHIA said he endorsed those views.

32. Mr. BHAGWATI said he too associated himself entirely with Mr. Lallah's remarks. As to the question of a plan of action and, in particular, paragraphs 49 and 68 of the report, he deprecated the impression created that the Committee as such was supporting the draft plan. The Chairperson should certainly address a communication to the Chairperson of the Tenth Meeting indicating the Committee's wish to participate in the preparation of the draft plan.

33. Mr. SCHEININ, referring to paragraph 53, on gender perspectives, said that the background paper prepared by the Division for the Advancement of Women might be of use in formulating the Committee's general comment on article 3. His own impression, however, was that the paper contained some serious omissions and that the reaction to it on the part of the Meeting of Chairpersons had perhaps been a little too positive. As for the question of

venue of meetings (para. 32), the Committee's own experience of holding sessions in New York had not been so happy as to warrant the enthusiasm expressed in the report.

34. Mr. YALDEN said he agreed. There was no foundation for the suggestion that a majority of the human rights treaty bodies was in favour of holding meetings in New York.

35. The CHAIRPERSON said it was quite normal for the bodies based in New York to want to come to Geneva and vice versa. The issue did not really concern the Committee, since one of its three annual meetings was held in New York in any case. She agreed with Mr. Scheinin's point concerning paragraph 53. As for the matter of the global plan of action, she would write to Mr. Burns pointing out that paragraph 49 did not correspond to the facts and should be corrected. Neither the Human Rights Committee nor CERD was at present involved in the preparation of the draft plan of action.

36. Mr. KLEIN remarked that the Committee could, of course, take note of the report of the Tenth Meeting and could comment on it favourably or otherwise, but it was hardly in a position to correct the report, since it had not participated in the Meeting.

37. The CHAIRPERSON said that the Committee had been represented at the Meeting by Mr. El Shafei.

38. Mr. EL SHAFEI said the only discussion on the question of global action that had taken place at the Meeting had related to the overall cost of such action ($1.1 million in 1998 and $1.3 million in 1999), which had been considered insignificant. He agreed that the language employed in the report, which was a Secretariat document, might be inappropriate and saw no reason why the necessary corrections should not be made.

The public part of the meeting rose at 4.15 p.m.